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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,824	01/06/2006	Toshiki Tsuchiya	MAT-8792US	5035

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER

HANNON, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/563,824

Applicant(s)

TSUCHIYA ET AL.

Examiner

Christian A. Hannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/6/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 1/6/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Opela et al (US 7,039,443), hereinafter Opela in view of Hama et al (US 6,944,481), hereinafter Hama.

Regarding claim 1, Opela teaches a fold type portable telephone device comprising a memory part (Figure 1, Item 125; Opela), a display (Figure 1, Items 119 & 120; Opela), an open/close detector for detecting an open and closed state of a casing

(Column 4, Lines 34-47; Figure 1, Item 107; Opela) a automatic calling part for automatically dialing when the open/close detector detects that a casing is open (Column 3, Lines 2-7; Figure 1, Item 111; Opela), wherein the foldable portable telephone device is configured to automatically dial a phone number displayed on the display part when the open/close detector detects that the casing is open (Column 5, Lines 41-54; Column 6, Lines 23-27; Opela). However Opela fails to explicitly teach use of maintaining an incoming call history list in memory to be displayed by a display. Hama teaches maintaining an incoming call history list in memory to be displayed by a display (Column 7, Lines 46-56; Hama). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate incoming call history information onto the phone's display, such as that taught by Hama, in order to eliminate the end-user's nuisance of opening the housing, locating guidance for confirming information and pushing buttons according to said guidance.

With respect to claim 4, Opela teaches a fold type portable telephone device comprising a memory part (Figure 1, Item 125; Opela), a display (Figure 1, items 119 & 120; Opela), an open/close detector of a casing (Column 4, Lines 34-47; Figure 1, Item 107; Opela), a automatic calling part for automatically dialing when the open/close detector detects that a casing is open (Column 3, Lines 2-7; Figure 1, Item 111; Opela) wherein the fold type portable telephone device is configured to automatically dial a phone number displayed on the display part when the open/close detector detects that a casing is open (Column 5, Lines 41-54; Column 6, Lines 23-27; Opela). However Opela fails to teach a telephone directory memory part for memorizing the telephone

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directory data, a telephone directory read out part. Hama teaches maintaining a telephone directory list in memory to be displayed by a display (Column 7, Lines 46-56; Hama). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate telephone directory list information onto the phone's display, such as that taught by Hama, in order to eliminate the end-user's nuisance of opening the housing, locating guidance for confirming information and pushing buttons according to said guidance.

5. Claims 2, 3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Opela in view of Hama and further in view of Morota et al (US 2003/0162530), hereinafter Morota.

In regards to claim 2, Opela and Hama teach the device of claim 1, furthermore Hama teaches a telephone directory memory part for memorizing the telephone directory data (Column 10, Lines 40-44; Figure 2, Item 202; Hama) and a phone number comparison part for comparing an incoming phone number with the telephone directory data that is memorized in the telephone directory memory part (Column 10, Lines 40-44; Hama), wherein the fold type portable telephone device is configured to automatically dial a phone number in the incoming call history displayed on the display part when the open/close detector detects that the casing is open (Column 3, Lines 2-7; Figure 1, Item 111; Opela) at a state that the phone number in the incoming call history that is read out from the memory part and displayed on the display part (Column 7,

Lines 46-56; Hama). However they both fail to teach that the call is placed only when the incoming call history data read out from the memory is confirmed identical to a telephone directory data read out from a memory. Morota teaches a call is placed only when the incoming call history data read out from the memory is confirmed identical to a telephone directory data read out from a memory (Page 1, [0007]). Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Morota with those of Opela and Hama to reduce the trouble caused by calling-back to call records of unknown numbers.

With regard to claim 3, Opela, Hama & Morota teach the device of claim 2, in addition a phone number comparison part for automatic dialing for recording a phone number to be automatically dialed when a casing is open as a phone number for automatic calling, and at the same time, comparing a phone number that is read out from the memory part or the telephone directory memory part and displayed on the display part with the phone number for automatic dialing is provided (Column 10, Lines 40-44; Hama), and the fold type portable telephone device is configured to automatically dial a phone number displayed on the display part, when the open/close detector detects that the casing is open at a state (Column 3, Lines 2-7; Figure 1, Item 111; Opela) that the phone number displayed on the display part is confirmed as a phone number for automatic dialing (Page 1, [0007]; Morota).

Regarding claim 5, Opela and Hama teach the device of claim 4, in addition a phone number comparison part for automatic dialing for recording a phone number to be automatically dialed when a casing is open as a phone number for automatic calling,

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and at the same time, comparing a phone number that is read out from the memory part or the telephone directory memory part and displayed on the display part with the phone number for automatic dialing is provided (Column 10, Lines 40-44; Hama), and the fold type portable telephone device is configured to automatically dial a phone number displayed on the display part, when the open/close detector detects that the casing is open at a state (Column 3, Lines 2-7; Figure 1, Item 111; Opela). However they fail to teach that the phone number displayed on the display part is confirmed as a phone number for automatic dialing. Morota teaches that the phone number displayed on the display part is confirmed as a phone number for automatic dialing (Page 1, [0007]; Morota). Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Morota with those of Opela and Hama to reduce the trouble caused by calling-back to call records of unknown numbers.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Claxton (US 6,434,371) discloses a mobile device.

Park et al (US 6,567,672) discloses a method for automatic call initiation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

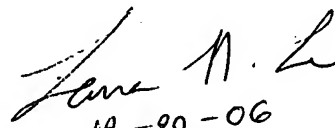
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christian A. Hannon
December 21, 2006


12-22-06

LANA LE
PRIMARY EXAMINER